

MINUTES

Regular Meeting of the
City of Somerset City Council
Tuesday, March 11, 2008
7360 E. 6th Street, Municipal Building

Members Present

Fred Gonzales, Mayor
Diane Cuellar, Mayor Pro Tem
Leroy Vidales, Alderman
Mary Wilson, Alderwoman
Dennis Scholl, Alderman
Randy Rosas, Alderman

Staff Present

Melissa Gonzalez, City Administrator
Humberto Saldana, City Attorney
Ellen Hicks, City Clerk/Treasurer

I. CALL TO ORDER

Mayor Gonzales, presiding, called the meeting to order at 6:30 p.m. Invocation and pledges were led by the Mayor. City Clerk, Ellen Hicks took the roll. All members were present.

II. DISCUSSION AND/OR ACTION ON APPROVAL OF MINUTES

MOTION BY ALDR. ROSAS SECONDED BY ALDR. SCHOLL TO ACCEPT THE MINUTES AS PRESENTED. Vote taken. MOTION CARRIED 5-0. FOR (CUELLAR, VIDALES, WILSON, SCHOLL, ROSAS).

III. DISCUSSION AND/OR ACTION ON APPROVAL OF BILLS PAID (FEBRUARY 2008)

MOTION BY ALDR. VIDALES SECONDED BY ALDR. ROSAS TO ACCEPT THE BILLS PAID AS PRESENTED. Vote taken. MOTION CARRIED 5-0. FOR (CUELLAR, VIDALES, WILSON, SCHOLL, ROSAS)

IV. TREASURER'S REPORT

A. Informational Reports of Accounts

Mayor Gonzales read the income report. No action taken.

V. PUBLIC COMMENTS

Janice Favor - PD

VI. CONTINUED BUSINESS

A. Discussion and/or Action on Acquiring American Municipal Services for Outstanding Court Collections (Councilman Scholl)

Aldr. Scholl explained his reasons for bringing this item back for consideration. Dan Hafen represented AMS and gave a brief description of his company. Questions and discussion followed. Officer Gutierrez explained the PD's procedure regarding warrants. MOTION BY ALDR. SCHOLL SECONDED BY ALDR. WILSON TO AUTHORIZE THE CITY ADMINISTRATOR TO ENTER INTO THE AGREEMENT WITH AMS FOR WARRANT WORK. Vote taken. MOTION CARRIED 4-1. FOR (CUELLAR, WILSON, SCHOLL, ROSAS) AGAINST (VIDALES)

B. Discussion and/or Action on TCEQ's Proposed Cleanup Plans for the State Superfund Site on Payne Road (City Administrator)

City Administrator, Melissa Gonzalez, reported that the fence is up and a public hearing will be held at City Hall on April 17, 2008 at 7:00 p.m. Mayor Gonzales announced that the Council would recess into executive session at this time. Time: 7:32 p.m.

IX. CLOSED EXECUTIVE SESSION: THE CITY COUNCIL WILL CONSIDER THE FOLLOWING ITEMS IN EXECUTIVE SESSION:

A. Discussion on Suit by Boarding Home pursuant to and in accordance with Texas Government Code §551.071 (seeking the advice of attorney about pending or contemplated litigation, settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rule of Professional Conduct of the State Bar of Texas clearly conflict with the Texas Open Meetings Act).

B. Personnel Matters pursuant to and in accordance with Texas Government Code §551.074, Personnel Matters; (deliberation on the appointment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee) and Texas Government Code §551.071 as stated above.

- 1. Complaint filed with the Texas Workforce Commission Civil Rights Division against City of Somerset**

X. RECONVENE INTO OPEN SESSION: Time: 7:55 p.m.

A. Open Session Discussion and/or Action upon the items listed under Section IX.

- 1. Action on Suit by Boarding Home**

No action taken

- 2. Action on Personnel Matters**

- a. TWC Complaint**

Received information from attorney. No action taken.

- B. Any agenda items postponed for consideration after executive session listed as action items in this agenda, not yet reached for discussion and action.**

None.

VII. NEW BUSINESS.

- A. Discussion and/or Action on Adopting Ordinance 2008-01
Supporting the Implementation of a State Pilot Program to
Regulate Boarding Houses, as Defined by the State of Texas (City
Admin.)**

City Administrator briefed the members on the state's program which will go into effect in August 2008. Aldr. Scholl voiced his support and brought some typos to her attention. MOTION BY ALDR. SCHOLL SECONDED BY ALDR. ROSAS TO ADOPT ORDINANCE 2008-01 WITH CORRECTIONS AS STATED. Vote taken. MOTION CARRIED 5-0. FOR (CUELLAR, VIDALES, WILSON, SCHOLL, ROSAS)

- B. Discussion and/or Action on Adopting Resolution 2008-02
Authorizing the Mayor and City Administrator to Execute Certain
Contract Documents (City Admin.)**

City Administrator explained the need for this resolution. One of the documents will be the USDA grant which requires this resolution. Aldr. Scholl asked to have the phrase, "Therefore, now be it resolved", added to the resolution. MOTION BY ALDR. SCHOLL SECONDED BY ALDR. WILSON TO ADOPT RESOLUTION 2008-02 WITH CORRECTIONS. Vote taken. MOTION CARRIED 5-0. FOR (CUELLAR, VIDALES, WILSON, SCHOLL, ROSAS)

- C. Discussion and/or Action on Authorizing the City Administrator
to Execute a Professional Service Agreement with the City
Attorney**

City Administrator presented the professional service agreement. Discussion followed. Aldr. Scholl offered the following changes: Section 1 - "The services to be performed by Humberto Saldana ... **coordinated with the City Administrator** under this Agreement shall include ... Under #6, **"Provide prompt legal opinions and advice upon request."** Under #7 & 8, strike **"Responsible for"**. MOTION BY ALDR. SCHOLL SECONDED BY ALDR. ROSAS TO APPROVE THE EXECUTION OF THE PROFESSIONAL SERVICE AGREEMENT BY THE CITY ADMINISTRATOR. Vote taken. MOTION CARRIED 5-0. FOR (CUELLAR, VIDALES, WILSON, SCHOLL, ROSAS)

- D. Discussion on Amendment Draft for Ordinance 2002-06:
Procedures for Issuance of Business Permits**

City Attorney explained that he had not gotten back with the City Administrator on this item. Mayor Gonzales directed the City Attorney to work on a draft and present an amended ordinance to the Council for approval. Aldr. Scholl asked that consideration be given as to the zone in

which the business is located. (Residential, Business, Light Industrial). He is concerned with businesses being placed in residential zones.

E. Discussion on Citizen Request for Access through City Park that Joins with an Existing Utility Easement (City Admin.)

Mayor Gonzales and the City Administrator briefed the Council on the request. The City Attorney was asked his opinion. He recommended against granting the easement. Discussion followed. Aldr. Scholl recommended having an official survey of city property done. No action was taken.

F. Recognition of 4A & 4B Economic Development Strategic Planning for the City of Somerset

The City Administrator praised the EDC for their efforts over the last four months in strategic planning for the City with the help of CPS. A hand was given to the EDC in recognition. No action was taken.

VIII. MAYOR AND STAFF REPORTS DISCUSSING:

A. Discussion and/or Action on Updates in Personnel to Include Hiring, Terminations and Daily Operations

1. Police Chief's Daily Operations Report

The Police Chief was not present.

2. City Administrator's Daily Operations Report

a. Development of 33 acres on Clayton St.

Haven't heard back from developers.

b. Funding for Expansion of WWTP

Will apply for USDA grant.

c. City Dump Site

Fence has been installed. Dog pound and dumpster are back in operation. No brush collection due to County's fire ban.


d. Acquisition of Trees

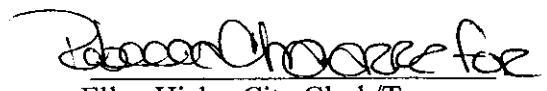
Officer Pendergrast gave us a heads-up on some state land that was being cleared. We obtained 25 trees.

XI. ADJOURNMENT

With no further business, MOTION TO ADJOURN WAS MADE BY ALDR. VIDALES SECONDED BY ALDR.ROSAS. Council voted unanimously. Time: 8:39 p.m.

Attest:


Fred Gonzales, Mayor


Ellen Hicks, City Clerk/Treasurer